

REMARKS

Claims 18-28 were pending in the present application. Claim 23 has been canceled and claim 29 has been added herein. Thus claims 18-22 and 24-29 are now pending. The applicant respectfully requests reconsideration and allowance of the present application in view of the above amendments and the following remarks.

Applicant first notes with great appreciation the Examiner Interview held by telephone on August 23, 2005, where the present application and the rejections in the outstanding Office Action were discussed and the remaining issues clarified. The Examiner noted that features corresponding to the allowable subject matter of claims 23 or 26 could be incorporated into claims 18 and 27 to place the claims into condition for allowance. The applicant again thanks the Examiner for his time and patience in providing clarification of the remaining issues and in providing suggestions for amendment language which would be favorably considered.

Claims 18, 22, 24, 25 and 27 stand rejected under 35 USC §102(b) as being allegedly anticipated by Imamura et al., "A submicron Nb/AlO_x/Nb Josephson Junction," J. Appl. Phys. Lett. 64(3), 1 August 1988, pp. 1586-1588. Claims 18 and 27 are amended in view of the above noted Examiner Interview to address the rejection.

For example, claim 18 is amended herein to include the features of claim 23 and should therefore be allowable. Claim 27 is amended to recite, *inter alia*, that the anodization ring includes an anodized portion of the tunnel barrier layer anodized from an exposed portion of the tunnel barrier layer. In view of the discussions held with the Examiner regarding Imamura and the claimed invention in the above noted Examiner Interview, applicant believes the feature originally recited in claim 23 of the anodization ring including an anodized portion of the tunnel barrier layer anodized from an exposed portion of the tunnel barrier layer is distinguishable from Imamura.

Accordingly, for at least the reasons set forth hereinabove, Imamura fails to disclose all the claimed features as required. It is respectfully requested that the rejection of independent claims 18 and 27 be reconsidered and withdrawn.

Claims 22, 24 and 25, by virtue of depending from independent claim 18, are allowable for at least the reasons set forth hereinabove. It is respectfully requested therefore that the rejection of claims 22, 24 and 25 be reconsidered and withdrawn.

Claims 18 and 27 stand rejected under 35 USC §102(b) as being allegedly anticipated by Lee et al., "RHEA Process for Fine-Geometry Josephson Junction Fabrication," IEEE Transactions on Magnetics, Vol. 27, No. 2, March 1991, pp. 3133-3136. Claims 18 and 27 are amended in view of the above noted Examiner Interview to address the rejection.

As noted above, claim 18 is amended to include the features of claim 23 indicated as allowable and is therefore itself now allowable. Claim 27 is amended herein to include the feature of claim 23 that the anodization ring includes an anodized portion of the tunnel barrier layer anodized from an exposed portion of the tunnel barrier layer. In view of the discussions held with the Examiner regarding Lee and the claimed invention in connection with the above noted Examiner Interview, applicant believes the feature of the anodization ring including an anodized portion of the tunnel barrier layer anodized from an exposed portion of the tunnel barrier layer is distinguishable from Lee.

Accordingly, for at least the reasons set forth hereinabove, Lee fails to disclose all the claimed features as required. It is respectfully requested that the rejection of independent claims 18 and 27 be reconsidered and withdrawn.

Claims 18, 22, 24, and 25 stand rejected under 35 USC §103(a) as being allegedly obvious over Imamura. Claim 18 is amended herein to address the rejection.

Claim 18 is amended to include the allowable subject matter of claim 23 and is therefore allowable. Claims 22, 24, and 25 by virtue of depending from claim 18 are allowable for at least the reasons set forth hereinabove with regard to claim 18. It is requested that the rejection of claims 18, 22, 24, and 25 be reconsidered and withdrawn.

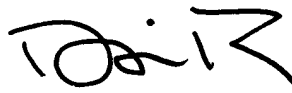
Claims 23 and 26 are indicated allowable if re-written to include the limitations of the base claim and intervening claims. Accordingly, claim 18 has been amended to include the features of claim 23, while claim 23 is canceled herein. Claim 26 is amended to depend from claim 18 and should now be allowable.

New claim 29 is submitted herein and depends from claim 27. New claim 29 includes features from claim 23, e.g. that the anodization ring includes an anodized portion of the counter electrode layer and the base electrode layer and should therefore be allowable. Favorable consideration is requested.

In view of the foregoing, the applicant respectfully submits that the present application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



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